

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION
ON GOVERNOR'S BILL NO. 6363, AN ACT IMPLEMENTING THE
GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING
GENERAL GOVERNMENT, CONSERVATION, DEVELOPMENT,
REGULATION, PROTECTION, JUDICIAL AND CORRECTION**

March 27, 2009

The Freedom of Information ("FOI") Commission is opposed to Section 19 of this bill. That section would repeal section 1-205a of the Connecticut Freedom of Information Act, which currently prohibits the Governor from reducing the FOI Commission's budget requests and requires the submission of the FOI Commission's budget directly to the legislature for its consideration. The FOI Commission wholeheartedly believes that the budgetary independence guaranteed by section 1-205a is critical to ensure that the FOI Commission will be able to perform its mission as a government oversight agency, free from fear of political retribution. The legislature saw an attempt at retribution back in 2004 when Governor Rowland proposed consolidation of the FOI Commission, State Elections Enforcement Commission ("SEEC") and the then State Ethics Commission (now the Office of State Ethics or "OSE"), with a significantly reduced budget. At that time, the legislature was determined to insulate the three agencies from similar attempts at retribution in the future. Consequently, it passed Public Act 04-204 with near unanimous bipartisan support.

Since 2004, the budgetary independence afforded by Section 1-205a has worked properly and well. Of course, it is important to acknowledge that this independence is not unfettered and is not without appropriate oversight by the legislature. The FOI Commission's budget must be approved first, by this Committee and then, by the legislature as a whole. The legislature, with its collective voice and judgment, can ask questions and alter the FOI Commission's budget as it deems proper.

Further, although the FOI Commission maintains this independence, it is not immune from the vital call to reduce expenses: it has been, and will continue to be, responsive to the critical need to save money during these difficult fiscal times. During Fiscal Year 2007/08, the FOI Commission instituted significant cost-saving measures, which led to a savings representing 11.23% of the Commission's overall appropriation. The FOI Commission made a commitment to the Office of Policy and Management during the current fiscal year (November 2008) to reduce the agency's overall expenses in the current fiscal year and has taken steps to ensure such reductions. In addition, the Commission supported the reduction in its appropriation (in the amount of \$50,000) that was included in the Governor's December 17, 2008 Deficit Mitigation Plan. Finally, the Governor's February 19, 2009 Deficit Mitigation Plan called for additional reductions to the Commission's budget. After discussion with the Appropriations subcommittee that oversees the FOI Commission's budget, the Commission's budget was again reduced (in the amount of \$11,500.00) by the legislature.

These facts demonstrate that the law has worked as it was intended: it provides necessary independence but does not take away oversight from, or accountability over, the FOI Commission's budget.

For the reasons stated above, the FOI Commission urges this committee to reject Section 19 of Governor's Bill 6363.

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